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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,572

04/04/2006

Hiroki Monta

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9279

52349

7590

08/18/2008

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EXAMINER

CHOKSHI, PINKAL R

ART UNIT

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2623

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,572	<b>Applicant(s)</b> MONTA ET AL.	
	<b>Examiner</b> PINKAL CHOKSHI	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 6,7 and 14-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/4/06, 9/29/06, 3/19/07</u> .                                | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of **species II – claims 1-5 and 8-13** in the reply filed on 07/02/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### *Claim Objections*

2. **Claim 12** is objected to because of the following informalities: Claim 12 limitation incorrectly references to claim 8 instead of claim 11. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5 and 9** are rejected under 35 U.S.C. 102(e) as being anticipated by US PG Pub 2005/0028208 to Ellis et al (hereafter referenced as Ellis).

Regarding **claim 1**, “a view programming system (PRA) capable of a view programming of a show which a user wants to view, among shows (Dav)

composed of content data provided from a content data source” reads on the remote program guide access device connected to television equipment to view program guide data received from head-end (abstract) disclosed by Ellis and represented in Fig. 1.

As to “system comprising: at least one show receiving apparatus (200) capable of receiving the shows (Dav)” Ellis discloses (¶0134) that the remote access device provides user to select a program listing of a television program that is being broadcast as represented in Fig. 1 (element 24).

As to “at least one view programming apparatus (100) of programming the show receiving apparatus (200) to receive a show (Dav)” Ellis discloses (¶0138) that the remote access device programmed with television equipment provides user to control television equipment as represented in Fig. 1 (element 17).

As to “wherein the show receiving apparatus (200) can receive an electronic mail (M) via a network (320)” Ellis discloses (¶0106 and ¶0136) that the remote access device and television equipment exchange program information using e-mail through SNMP protocol.

As to “the view programming apparatus (100) transmits a first electronic mail (Ms) including programmed show information (IRP) prescribing the show (Dav) to be received, via the network (320) to the show receiving apparatus (200)” Ellis discloses (¶0103, ¶0104 and ¶0106) that the remote access device receives programming information via email from television equipment as represented in Figs. 7 and 8.

Regarding **claim 2**, “the view programming system (PRA) wherein the view programming apparatus (100) comprises: show information obtaining means (132) of obtaining show information (EPG) indicating a schedule on which the shows (Dav) are to be provided” Ellis discloses (¶0066 and ¶0067) that the television equipment receives EPG that includes program listing data from main facility as represented in Fig. 1.

As to “displaying means (104) of displaying a show table (IBP) based on the show information (EPG)” Ellis discloses (¶0070 and ¶0073) that the display screen of television equipment displays EPG data generated by program guide server.

As to “view programming information generating means (140, 113) of generating the programmed show information (IRP) in response to a user's selection input of a show to be view-programmed based on the displayed show table (IBP)” Ellis discloses (¶0113-¶0114) that the based on the EPG displayed on the screen, user selects a program using cursor, touch sensitive screen, etc on user interface to receive program information.

As to “first electronic mail generating means (112b) of generating the first electronic mail (Ms) in association with an electronic mail address assigned to the reception apparatus (200)” Ellis discloses (¶0106 and ¶0119) that the television equipment exchange program guide data to remote access device

using email message. It is inherent that email address must be known to send an email to a destination device.

As to “first electronic mail transmitting means (110) of transmitting the first electronic mail (Ms) to the electronic mail address” Ellis discloses (¶0106) that the television equipment transmits program guide data to remote access device using email message. It is inherent that email address must be known to send an email to a destination device.

Regarding **claim 3**, “the view programming system (PRA) wherein the programmed show information (IRP) includes at least information indicating a broadcast start time (Tb) and an end time of the view-programmed show and a source from which the show (Dav) is obtained” Ellis discloses (¶¶0116) that the program guide data represented on remote access device includes show start/end time as well as channel number as represented in Fig. 8.

Regarding **claim 4**, “the view programming system (PRA) wherein the first electronic mail (Ms) is transmitted between a show start notifying time (Tm) which is earlier by a predetermined time (Pi) than the broadcast start time (Tb), and the start time (Tb)” Ellis discloses (¶0111, ¶0118 and ¶0119) that a reminder email is transmitted to remote access device at an appropriate time before the selected program is scheduled to air.

Regarding **claim 5**, “the view programming system (PRA) wherein the first electronic mail (Ms) further contains a predetermined message (MMs)” Ellis discloses (¶0106, ¶0111 and ¶0116) that the email transmitted to remote access device includes predefined criteria for a program.

Regarding **claim 9**, “the view programming system (PRA2) wherein the show receiving apparatus (200b) displays a view-programmed show based on the programmed show information (IRP)” Ellis discloses (¶0115-¶0118) that the user views selected program video after user receives a reminder for a program to be air.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 8, 10, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al in view of US PG Pub 2002/0174430 to Ellis (hereafter referenced as Ellis ‘430).

Regarding **claim 8**, “the view programming system (PRA2) wherein the view programming apparatus (100b) further comprises: first recording means (114) of recording a received show (Dav)” Ellis discloses (¶0084) that the storage

device in television equipment STB stores audio/video programs received as represented in Fig. 3 (element 31).

As to “the show receiving apparatus (200b) comprises: second electronic mail generating means (203b) of generating a second electronic mail (Mt) as a return mail with respect to the first electronic mail (Ms)” Ellis discloses (¶0106) that the television equipment and remote access exchange information via email communication. Ellis further discloses (¶0137) that the remote access device responds to a command received from television equipment by issuing an access communication (email) back to television equipment.

As to “second electronic mail transmitting means (201) of transmitting the second electronic mail (Mt) to the view programming apparatus (100)” Ellis discloses (¶0137) that the remote access device responds to a command received from television equipment by transmitting an access communication (email) back to television equipment.

As to “the view programming apparatus (100b) records the view-programmed show (IRP) into the first recording means (114)” Ellis discloses (¶0091 and ¶0115) that based on the command received from the user, television equipment records the programming show on the storage device.

Ellis meets all the limitations of the claim except “when the view programming apparatus (100b) does not receive the second electronic mail (Mt) by the broadcast start time (Tb).” However, Ellis '430 discloses (¶0304) that user receives a reminder message on the device and if there is no response received



from user, then the system automatically begin recording of the scheduled program as represented in Fig. 34. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ellis's invention by adding recording feature that starts recording a scheduled program even if no response is received from user as taught by Ellis '430 so the user does not have to waste time by selecting/pressing keys on the input device to record a program that he/she desires.

Regarding **claim 10**, "the view programming system (PRA2) wherein the show receiving apparatus (200b) further comprises second recording means (206) of recording the received show (Dav), and records a view-programmed show into the second recording means (206) based on the programmed show information (IRP)" Ellis discloses (§10115) that the user may schedule program for recording by storage device of remote access device as represented in Fig. 5 (element 56).

Regarding **claim 13**, "the view programming system (PRA2) wherein, when receiving the first electronic mail (Ms), the show receiving apparatus (200b) displays the predetermined message (MMs), transmits the second electronic mail (Mt) when the view-programmed show is not recorded in the view programming apparatus (100b)" Ellis '430 discloses (§10304) that if user wishes to watch the program then he/she selects the message to watch and cancel to watch the

program and cancel recording. As to “when the receiving device does not transmit the second electronic mail (Mt) when the view-programmed show is recorded in the view programming apparatus (100b)” Ellis '430 discloses (§0304) that user receives a reminder message on the device and if there is no response received from user, then the system automatically begin recording of the scheduled program as represented in Fig. 34. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ellis’s invention by adding recording feature that starts recording a scheduled program even if no response is received from user as taught by Ellis '430 so the user does not have to waste time by selecting/pressing keys on the input device to record a program that he/she desires.

7. **Claims 11 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al in view of US PG Pub 2003/0023987 to Hiramoto et al (hereafter referenced as Hiramoto).

Regarding **claim 11**, “Ellis meets all the limitations of the claim except “the view programming system (PRA2) wherein a password is set for each corresponding show receiving apparatus (200b), and a subject having the password of the show receiving apparatus (200b) is described in the first electronic mail (Ms).” However, Hiramoto discloses (§0214-§0217) that the control command (email) transferred between mobile telephone and reproducing device includes a secret number as represented in Fig. 33. Hiramoto further

discloses (¶0222) that each device is assigned with a unique secret number and the secret number of mobile device must match with the secret number stored in the storing unit as represented in Fig. 29. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ellis's invention by including password assigned for a receiving device as taught by Hiramoto in order to correctly identify the receiving device so no other devices in the network can receive the broadcast program.

Regarding **claim 12**, "the view programming system (PRA2) wherein the view programming apparatus (100b) determines that an electronic mail having the password is determined as the second electronic mail (Mt), among received electronic mails (M)" Hiramoto discloses (¶0214-¶0217 and ¶0222) that the control command (email) that includes a secret number is exchanged between mobile telephone and reproducing device as represented in Fig. 33. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ellis's invention by including password assigned for a receiving device as taught by Hiramoto in order to correctly identify the receiving device so no other devices in the network can receive the broadcast program.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571)

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270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PRC/

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623